

Amendments to the claims

Claim 1 (Cancelled)

Claim 2 (Cancelled)

Claim 3 (Currently amended) A pesticidal agent which (i) is obtainable from a ~~X.~~ Xenorhabdus (bovienii) strain H31 or I73; (ii) has oral insecticidal activity against at least one or more species of insect selected from the group consisting of (Pieris brassicae, Plutella xylostella, Phaedon cochleariae and Myzus persicae; (iii) is substantially heat stable to 50°C; and (iv) acts synergistically with ~~B.~~ Bacillus thuringiensis cells as an oral insecticide.

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Claims 4-52 (Cancelled)

Claim 53 (Previously added) An agent as claimed in claim 3 which is obtainable from a Xenorhabdus bovienii strain H31 deposited with NCIMB under accession number NCIMB 40985.

Claim 54 (Previously added) An agent as claimed in claim 53, wherein the agent has activity against insects of two or more orders selected from: Lepidoptera; Coleoptera; Homoptera.

Claim 55 (Previously added) An agent as claimed in claim 3,

which is obtainable from *Xenorhabdus bovienii* strain I73 deposited with NCIMB under accession number NCIMB 40986.

Claim 56 (Previously added) An agent as claimed in claim 55, wherein the agent has activity against insects of two or more orders selected from: Lepidoptera; Coleoptera; Homoptera.

Claim 57 (Cancelled)

Claim 58 (Cancelled)

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Claim 59 (Previously added) An isolated nucleic acid comprising a nucleotide sequence encoding an agent as claimed in claim 53.

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Claim 60 (Currently amended) An isolated nucleic acid as claimed in claim 59 comprising a nucleotide sequence identical to any one or more of SEQ ID No:1, SEQ ID No:2, SEQ ID No:3 and SEQ ID No:4 ~~I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq~~ or a sequence degeneratively equivalent thereto.

Claim 61 (Previously added) An isolated nucleic acid comprising a nucleotide sequence encoding an agent as claimed in claim 55.

Claim 62 (Currently amended) An isolated nucleic acid as claimed

in claim 61 comprising a nucleotide sequence identical to any one or more of SEQ ID No:1, SEQ ID No:2, SEQ ID No:3 and SEQ ID No:4 ~~I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq~~ or a sequence degeneratively equivalent thereto.

Claim 63 (Currently amended) An agent as claimed in claim ~~55~~ 58 which is a polypeptide encoded by a nucleic acid comprising a nucleotide sequence identical to any one or more of SEQ ID No:1, SEQ ID No:2, SEQ ID No:3 and SEQ ID No:4 ~~I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq.~~

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Claim 64 (Currently amended) An agent ~~as claimed in claim 3~~ which is a polypeptide encoded by a nucleic acid comprising a homologous variant of the nucleotide sequence of any one or more of SEQ ID No:1, SEQ ID No:2, SEQ ID No:3 and SEQ ID No:4 having about 70% or more sequence identity ~~with any one or more of I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq~~ therewith and which is an insecticidal toxin.

Claim 65 (Currently amended) An agent as claimed in claim 64 wherein the source of said ~~which is an~~ insecticidal toxin ~~obtainable from~~ is a bacterial nematode-symbiont.

Claim 66 (Currently amended) An agent as claimed in claim 64 which is a polypeptide encoded by a nucleic acid comprising a nucleotide sequence which is a derivative of any one or more of SEQ ID No:1, SEQ ID No:2, SEQ ID No:3 and SEQ ID No:4 ~~I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq~~ by way of addition, insertion, deletion or substitution of one or more nucleotides.

Claim 67 (Withdrawn) An agent as claimed in claim 63 further encoding a pesticidal material derived from *Bacillus*

thuringiensis.

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Claim 68 (Withdrawn) An agent as claimed in claim 64 further encoding a pesticidal material derived from *Bacillus thuringiensis*.
